

MEMO ENDORSED

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VIA ECF

September 26, 2022

Hon. Nelson S. Roman
United States District Court Judge
United States Courthouse
300 Quarropas Street
White Plains, New York 10601

Re: Waterkeeper Alliance, Inc. v. Spirit of Utah Wilderness, Inc. & Jeffrey Salt, 10 CV 1136
(NSR-LMS)

Dear Judge Roman:

I am, with this letter motion, renewing my request that the court relieve me as CJA counsel for Jeffrey Salt in the above matter and appoint new CJA counsel to represent him during his contempt and civil confinement proceedings. The court had previously denied without prejudice to renewal, my two prior applications to be relieved by orders dated 9/8/2021 and 10/12/2021 (ECF No. 232, 234, 238 & 239).

Unfortunately, the attorney/client relationship has deteriorated to the point where it has totally broken down, with Mr. Salt accusing me of incompetence, conflict of interest and corruption and blaming me for the loss of his appeal and potential incarceration.

I have represented Mr. Salt since March 9, 2021, when I was appointed in place of his prior CJA counsel, Daniel A. Hochheiser (ECF 217). Mr. Hochheiser had, in turn, been substituted for the Federal Defender's Office. The proceeding involves a 3rd contempt order and order of imprisonment. The order required Mr. Salt to surrender to the custody of the United States Marshall for the Southern District of New York on March 23, 2020, unless he purged himself of the contempt by complying with the court's previous judgment and two prior contempt orders.

The surrender/purge date had been extended numerous times until November 2021 when the court issued a warrant for Mr. Salt's arrest. Execution of the warrant was further stayed until April 27, 2022.

Mr. Salt had filed pro se notices of appeal of the district court's orders at issue. Mr. Salt sought the appointment of CJA counsel in the 2nd Circuit. On March 16, 2022, I was appointed as CJA counsel to represent Jeffrey Salt on his appeals to the 2nd Circuit of the district court's 3rd contempt and imprisonment order, order denying his Rule 59(e) motion and other interlocutory

orders. On April 29, 2022, the Circuit denied Salt's application for an emergency stay in enforcement of the order of imprisonment pending resolution of the appeals and ordered an expedited appeal with brief and appendix due May 18, 2022. I complied with the Circuit's expedited briefing schedule and the appeal was argued on June 30, 2022. On August 22, 2022, the Circuit affirmed the district court's order imposing the third contempt order and denying Salt's Rule 59(e) motion, with mandate issued on 9/21/2022.

In view of Mr. Salt's accusations of incompetence, conflict of interest and corruption, the attorney/client relationship is broken to such an extent that he should have new counsel going forward.

Thank you for considering this request.

Respectfully submitted,

/S/ Joseph A. Vita

Joseph A. Vita

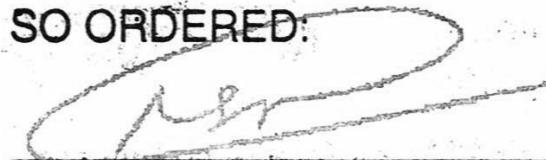
Cc: Jeffrey Salt via EMAIL

The Court grants counsel's and Jeffrey Salt's request to relieve current C.J.A. counsel Joseph Vita. The Court appoints C.J.A. counsel Francis L. O'Reilly for the limited purpose of representing Mr. Salt during his contempt and civil confinement proceedings. Relieved counsel is directed to turn over his file to newly appointed counsel, serve a copy of this endorsement on Mr. Salt and file proof of service on the docket. Clerk of Court requested to terminate the motion (doc. 267).

Dated: February 8, 2023

White Plains, NY

SO ORDERED:


HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE